

Memorandum

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To: DEPUTY DISTRICT DIRECTORS
for Local Assistance

Date: May 6, 2003

File: ADA

DISTRICT LOCAL ASSISTANCE ENGINEERS
Districts 1-12

From: TERRY L. ABBOTT
Chief
Division of Local Assistance



Subject: Curb Ramps on Local Agency Federal-aid Projects

The purpose of this memorandum is to bring to your attention the responsibilities that both Caltrans and local agencies have under the Americans with Disability Act (ADA) regarding curb ramps on local agency projects within the public right-of-way. Under ADA, local agencies must comply with ADA standards for new construction and alterations. A resurfacing, restoration, and rehabilitation (RRR) is regarded as an alteration.

The U.S. Department of Justice and the U.S. Access Board both have very comprehensive websites committed to accessible design. The websites include ADA design standards, a design guide, and references to the Transportation Enhancement Act (TEA) 21. They are respectively located at:

<http://www.ada.gov/>

<http://www.access-board.gov/indexes/pubsindex.htm>

Caltrans' Division of Local Assistance and the Department of General Services, Division of State Architecture (DSA) are working together with the Federal Highway Administration (FHWA) to resolve the curb ramp design differences between federal and State standards. In the interim, federal ADA standards must be used on federal-aid projects.

To maintain compliance and delivery of our federal-aid projects, the following procedures and implementation dates are being established:

1. For federal-aid projects with a Preliminary Engineering (PE) authorization date before June 1, 2003, all curb ramps within the project limits must comply with current federal ADA requirements by completion of project construction, or must be evaluated for compliance and those out of compliance must be included in the local agency's updated transition plan by September 1, 2003. This also applies to federal-aid projects in which the PE is funded by the local agency and the PE is initiated before June 1, 2003. For

information on transition plan requirements, please refer to Title 28 Code of Federal Regulations, Part 35, Section 35.150(d).

2. For Federal-aid projects with a PE authorization date after June 1, 2003, all curb ramps within the project limits must be brought into compliance with current federal ADA requirements no later than the completion of the construction of the project. This also applies to federal-aid projects in which the PE is funded by the local agency and the PE is initiated after June 1, 2003.

Each local agency should be aware that the modification, replacement, or construction of curb ramps to meet federal ADA standards is eligible for federal-aid funding. Each local agency should also be aware that failure to comply with current federal ADA requirements for curb ramps within the project limits can result in the partial or complete withdrawal of federal-aid funds from the project.

Please bring the above to the attention of the local agencies within your district. Their cooperation in helping to provide full access to disabled persons in California is required and greatly appreciated by FHWA, DSA, and Caltrans. All questions from the local agencies regarding the above should be referred to the District Local Assistance Engineer.

- c: Metropolitan Planning Organizations
Regional Transportation Planning Agencies
Michael Mankin, Division of State Architect
David Nicol, Federal Highway Administration